



1821 Tiburon Way, San Luis Obispo
General Plan Amendment
Project Description

The Property:

The subject parcel consists of approximately 21.55 acres, located immediately southeast of the City of San Luis Obispo Urban Reserve Line. The parcel's legal description is Parcel A of Parcel Map COAL 00-0048, a lot line adjustment of Lot 18 of Tract 681. The Assessor's Parcel Number for the property is 076-531-009.

The site is comprised of gently rolling grasslands dotted with occasional oak trees and an ephemeral drainage that meanders through the property, from the northeast corner to the southwest. Physical improvements on the site include one single-family residence and a garage/workshop structure. There are several easements overlying the property, one transecting the property from east to west with PG&E transmission lines, as well as three accessing Afuero de Chorro Mutual Water Company wells and other water system improvements.

The property currently has a Land Use Designation of Agriculture, with a Combining Designation of Airport Review Area. The Airport Area Land Use Plan (ALUP) identifies the southwestern portion of the property as lying within the S-2 Safety Zone, with the entire parcel located well outside of the 55 dB contour. The property is located in a Moderate Fire Safety Zone with an emergency response time of approximately five minutes.

Additionally, the northern portion of the site is located within a Sensitive Resource Area Combining Designation. The SRA Combining Designation is explained in the San Luis Obispo Area Plan as intended to protect visual resources associated with hillsides:

"Although low densities would be retained in the Agriculture category, insensitive siting of homesites and accessory buildings could intrude on the visual consistency of the natural terrain and vegetation. Siting and design that is subordinate to natural features is preferable to preserve the natural character of slopes and ridges. Accordingly, areas of scenic slopes, ridges and other natural features are included within the Sensitive Resource Area Combining Designation to protect their substantial public values."

The Land Use Designation surrounding the property are varied, with Residential Single Family (within the City) and Residential Suburban (two-acre minimum) uses to the West; Rural Lands (parcels ranging in size from four to eighteen acres) to the North; Agriculture to the East; and Agriculture, Residential Rural (parcel sizes of approximately 5 acres) and Residential Suburban (five to six acre parcels) to the South.

Property is not capable of Agricultural Production due to Recorded Water Use Prohibition:

The San Luis Obispo Area Plan states that "availability of a reasonably priced water supply is vital to agriculture." The County's Agricultural Element puts it even more simply: "Water is the life blood of agriculture." While farmers and ranchers have always understood the vital role water plays in agricultural production, the topic has recently been highlighted for the public and decision makers during the County's Resource Management System discussions. Without an adequate legal water supply, agriculturally designated land cannot be managed for grain or crop

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production. Unfortunately, the property is encumbered by deed restrictions which prohibit water use for agricultural production.

Water Supply:

Water service for Tract 681 is provided by the Afuera de Chorro Water Company. The use of this water source is legally limited by the attached recorded Declarations of Restrictions to serve domestic and landscaping uses only. Crop irrigation is specifically prohibited. All wells located on the Tract are reserved for the exclusive use of the Mutual Water Company. Additionally, the property's Restrictions prohibit any new water wells from being developed for agricultural use.

The following Declarations of Restrictions for Tract 681 are attached:

- Amended and Restated Declaration of Restrictions for Tract No. 681, recorded May 25, 1982
- Rescission of and Amendment to Paragraph 13 of Amended and Restated Declaration of Restrictions for Tract No. 681, recorded November 30, 1982
- First Amendment to Amended and Restated Declaration of Restrictions for Tract No. 681, recorded September 6, 1984
- The First Amendment to Amended and Restated Declaration of Restrictions for Tract No. 681, recorded September 6, 1984

The First Amendment to Amended and Restated Declaration of Restrictions for Tract No. 681 (recorded in 1984) restates that "No lot shall be used except for residential purposes". The document then goes on to determine the densities allowed on lots eighteen and nineteen:

"In the case of lots 18 and 19 only, two single family residences of not less than 2,000 square feet will be permitted, including two separate garages for not more than four (4) automobiles for each garage, two (2) separate guest houses, and two (2) outbuildings, barns or sheds."

The Project:

The requested General Plan Amendment will result in a change in the Land Use Designation for the property from Agriculture to Residential Rural, with a minimum parcel size of 10 acres, per the San Luis Obispo Area Plan:

Residential Rural

"All land in the San Luis Obispo planning area, but outside of the urban or village reserve lines, is either within or adjacent to the area proposed as a "green-belt" around the city of San Luis Obispo. To maintain the rural character in these areas, a special minimum parcel size of 10 acres and a lower residential density standard are established in Article 9 of the Land Use Ordinance (Section 22.108 - San Luis Obispo Planning Area) for the Residential Rural land use category."

The proposed project will be conditioned to retain the higher hillside elevations within the Sensitive Resource Area in open space. Total residential density with the proposed General Plan Amendment will remain limited to the allowable density for the current parcel, as specified in the First Amendment to Amended and Restated Declaration of Restrictions for Tract No. 681 of 1984.

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The overarching objective of this project is to preserve the intrinsic beauty and character of the land, while recognizing the prohibition against agricultural production on the property. The retention of the hillside portion of the site in its natural state will ensure that the site will continue to function as a scenic greenbelt.

Project Component Summary:

- Will result in a maximum of 2 residential rural lots of 10 acres each, located approximately ½ mile from Orcutt Road.
- A total of 2 primary residences are possible on the property, with or without the requested General Plan Amendment. (Please see attached "First Amendment to Amended and Restated Declaration of Restrictions for Tract 681", dated September 6, 1984.)
- All residential development on the property, including the existing single family dwelling, will be clustered on the lower elevations of the site and outside of the riparian corridor associated with the ephemeral drainage.

Consistency with Existing Goals and Policies:

Applicable Sections of the Agriculture Element

5.16.010. Definitions.

"Agricultural Land" shall mean all real property within the unincorporated boundaries of San Luis Obispo County currently used for Agricultural Operations, or upon which Agricultural Operations may in the future be established.

Small - Lot Rural

This designation is characterized by residential uses but may also include scattered agricultural specialty uses, part-time agricultural activities and ranchettes. The designation corresponds to the Residential Rural land use category in the LUE, and may also include some areas in the Residential Suburban category where that category is already located outside of urban and village reserve lines.

The purpose of the Small-Lot Rural designation is to provide for low density residential development and limited non-residential uses that maintain the rural and open landscape in areas where agricultural uses are not sustainable or are clearly secondary uses.

AGP5: Residential Density.

- a. Allow residential density of two primary dwellings on each existing legal parcel of 20 acres or larger in the Agriculture land-use category. On parcels of less than 20 acres, allow one primary and one farm support dwelling.

Applicable Sections of the Inland Land Use Ordinance

Residential Density – Existing Land Use Designation (Agriculture):

22.30.480 - Residential Uses in the Agriculture Land Use Category

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A. Primary housing. A parcel in the Agriculture category may be used for two primary dwellings, as follows:

1. Permit requirements. Zoning Clearance is required for each of the first two dwellings.
2. Density. Primary dwellings in the Agriculture category are allowable at a ratio of one primary unit for each legal parcel, as defined in Chapter 22.11 (Definitions - Parcel), and one additional primary unit on legal parcels of 20 acres or larger.

Residential Density – Proposed Land Use Designation (RR, 10 acre minimum):

22.10.130 - Residential Density

2. Residential land use categories: One for each legal parcel, except as follows:
 - a. Areas with special density standards. Where planning area standards of Chapter 22.09 (Community Planning Standards) establish density requirements, the planning area standards shall control and determine the number of allowed dwelling units.
 - d. Secondary dwellings. A secondary dwelling may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential - Secondary Dwellings).
 - e. Detached guesthouse or home office. A detached guesthouse or home office may be established accessory to the unit authorized by this Section, in compliance with Section 22.30.410.E. (Guesthouses and home offices).

The proposed project consistent with the residential densities identified in the Land Use Ordinance and will not result in an increase in residential density on the site, since the existing Land Use Designation (Agriculture) allows for two primary dwellings and the proposed Land Use Designation (Residential Rural) will allow one primary residence on each 10-acre parcel.

22.108.030 - Combining Designations

A. Airport Review Area (AR). The following standards apply within the Airport Review Area combining designation, which is the unincorporated area covered by the San Luis Obispo County Airport Land Use Plan.

1. Review for compliance with Airport Land Use Plan. All land use permits, land divisions and General Plan amendments must be found consistent with the San Luis Obispo County Airport Land Use Plan adopted by the San Luis Obispo County Airport Land Use Commission.
2. Site design and development standards - Airport site. New development projects in County-owned portions of the site of the San Luis Obispo County Airport shall be consistent with the adopted Airport Use Permit (the land use plan for the airport itself), and shall comply with all applicable provisions of the airport lease site standards instead of the provisions of Articles 3 and 4 of this Title.

Please see discussion under "Airport Land Use Plan.

B. Sensitive Resource Area (SRA). The following standards apply within the Sensitive Resource Area (SRA) combining designation.

- a. Locations of development. Locate all development including accessory structures (including water tanks) and access roads in the least visible portion of the site as viewed from any of the scenic highway or railroad corridors designated in Chapter 6 of the San Luis Obispo Area Plan, consistent with the protection of other resources. Use existing topographic features first and vegetation second to screen development from public view as much as possible.

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7. Hillside parcels at the southeast City limits. The following standards apply to the area shown in Figure 108-9 in addition to the above standards for Sensitive Resource Areas.

- a. Permit requirement. Minor Use Permit approval is required for all new structures except agricultural and residential accessory structures and secondary dwellings.
- b. Sites visible from local streets. Views of the site from Broad Street shall replace those from other scenic highways or the railroad in determining compliance with the above standards for Sensitive Resource Areas.

The General Plan Amendment project, as proposed, will be consistent with these standards because any future residential development will be located in areas of the site least visible from the Broad Street view corridor, consistent with protection of other resources.

Applicable Sections of the Airport Land Use Plan

Safety

As stated in the Airport Land Use Plan for the San Luis Obispo County Regional Airport (ALUP):

The objective of the safety policies of this ALUP is to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident which takes place beyond the immediate runway environment.

Based upon the subject site's designation as defined in the adopted Airport Land Use Plan, the ALUP limits residential density in the Aviation Safety Area S-2 to six dwelling units per acre, with a maximum building coverage of 20% of the gross land area. That limit would allow for a maximum density of up to 129 dwelling units on this 21.56 acre parcel, with building coverage of 4.31 acres.

The proposed General Plan Amendment instead proposes a maximum of two primary residences – one on each potential ten-acre parcel.

Sound Sensitivity

Residential dwellings are identified in the San Luis Obispo County Regional Airport Land Use Plan as an extremely noise sensitive land use. Other land uses in this category include outdoor theaters and public assembly areas, restaurants, campgrounds and bed and breakfast inns.

The Airport Area Land Use Plan identifies the maximum allowable interior noise exposure from aviation related noise sources as 50dB. According to the Airport Area Land Use Plan, extremely noise sensitive uses are allowable outside of the 55dB contour.

The project site is well outside of the 55dB contour, as shown on the attached ALUP official maps. Based upon meeting the ALUP goals and standards for both safety and noise, the

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proposed General Plan Amendment is consistent with the policies defined in the Airport Land Use Plan.

Conclusion:

The proposed General Plan Amendment, changing the property's Land Use Designation from Agriculture to Residential Rural with a minimum parcel size of 10 acres will continue to allow very limited residential development on the site, while recognizing the prohibition against agricultural production on the property.

Retaining the higher hillside elevations within the Sensitive Resource Area in open space will allow the property to continue to function as a scenic greenbelt, protecting sensitive view corridors. This General Plan Amendment will resolve the conflict between the property's Land Use Designation and the prohibition of agricultural water use without increasing development potential.

Please do not hesitate to contact me with any questions regarding this application. Thank you for your consideration.

Sincerely,



Rachel K. Kovesdi
Principal Planner

Attachments:

- General Plan & Ordinance Amendment Application Package
- Executed Cost Accounting Agreement
- Check #1798, in the amount of \$7,548.00 for GPA filing fees
- San Luis Obispo County APN Map
- Sheet 2 of Recorded Tract Map 681
- Sheet 2 of Recorded Lot Line Adjustment Map COAL 00-0048
- Preliminary Title Report (11/19/10)
- Amended and Restated Declaration of Restrictions for Tract 681 (recorded 5/25/1982)
- Rescission of and Amendment to Paragraph 13 of Amended and Restated Declaration of Restrictions for Tract 681 (recorded 11/30/1982)
- First Amendment to Amended and Restated Declaration of Restrictions for Tract 681 (recorded 9/6/1984)
- Corporation Grant Deed for Water System Easements (recorded 5/6/1983)
- Inland Land Use Ordinance Section 22.108.020, including Figure 108-9: Hillside parcels on the southeast side of San Luis Obispo
- Excerpted Sections of the San Luis Obispo County Airport Land Use Plan (ALUP)
- ALUP Figure 1: Airport Noise Contours, with project site identified
- ALUP Figure 3: Aviation Safety Areas, with project site identified